



LEGAL SERVICES CORPORATION

Office of Program Performance

Final Report

Program Quality Visit

RHODE ISLAND LEGAL SERVICES, INC.

Recipient No. 140000

Program Quality Visit Report

March 31 – April 4, 2014

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**Rhode Island Legal Services, Inc.
Program Quality Visit Report**

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INTRODUCTION

The Legal Services Corporation (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to Rhode Island Legal Services, Inc. (RILS) in Providence, Rhode Island, from March 31 through April 4, 2014. OPP's team consisted of program analyst Althea Hayward, who was team leader, LSC temporary employees John E. Johnson Jr. and Stephanie Edelstein, and Andrew Adkins, a fellow from the College of Law Practice Management (COLPM).

OPP seeks to ensure that all recipients of LSC funds are providing high quality, efficient, and effective legal services to eligible clients. The overall purpose of program quality visits is to assess the quality of legal services provided to eligible clients. In conducting this evaluation, OPP relies on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is organized to follow the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; engagement with the low-income community; legal work management systems and the quality of legal work; and program management, including board governance, leadership, strategic planning, resource development, and coordination within the delivery system. In conducting its assessment, the team carefully reviewed the documents LSC received from the program, including its most recent grant proposal narratives, its case service reports (CSRs) and other service reports (OSRs), a survey of RILS staff conducted over the Internet, and numerous other documents the program submitted in advance of the visit, including advocates' writing samples.

On site, the team visited the program's administrative and service offices in Providence, and its branch office in Newport, Rhode Island. The team interviewed staff from each of these offices, including the executive director, the deputy and litigation directors, members of the management team, fiscal staff, managing attorneys, staff attorneys, paralegals, intake and administrative staff, and other support staff. Additionally, team members interviewed board members, community representatives, several judges, leaders in the state justice community, leaders from the Rhode Island Bar Association and the director of the bar's Volunteer Lawyer Program. Due to scheduling and time constraints, some of these interviews were conducted by telephone.

OVERVIEW OF PROGRAM AND SERVICE AREA

Rhode Island Legal Services, Inc., headquartered in Providence, began operation as a non-profit legal services entity in 1969, and obtained its first grant from LSC in 1974. The program was incorporated by five Rhode Island attorneys with a vision to create a statewide corporation whose focus was to provide quality legal assistance to persons without the means sufficient to secure their legal rights. In 1994, before the onset of LSC's state planning initiative, and in order to better leverage financial resources, the Legal Aid Society of Rhode Island merged with RILS. The program provides a full range of legal services to the entire state of Rhode Island from two offices, one in Providence and the other in Newport, Rhode Island. RILS is the only legal services provider in the state that is a full service law firm for low-income Rhode Islanders. The service area is primarily mixed urban and rural with a majority of the clients residing in

Providence and Kent counties. Washington County is the most rural county in the state, including the towns of Narragansett and Westerly, while Newport and Bristol Counties are a mixture of urban and rural. Rhode Island has one of the fastest growing Latino populations in New England. In 2012, the Latino population was estimated at 13.2%; the Caucasian population at 75.9%; and the African American population at 7.3%.¹ Rhode Island is also home to a significant Portuguese-speaking population.

The smallest of the 50 states geographically, Rhode Island is densely populated and highly industrialized. The principal cities in Rhode Island are Providence, Pawtucket, Warwick, Cranston, and Woonsocket, all of which are part of a larger continuous urban area which is commonly defined as the Providence-Warwick-Pawtucket metropolitan area. Providence, the state capital, is the largest city, and is primarily an industrial and educational center. Warwick, the second largest city, is mainly a residential suburb of Providence and a retail trade center with some textile mills and electronic plants. Cranston is a center for manufacturing of textiles, printing machinery, machine tools, and fire extinguishers. Pawtucket is primarily a textile center and a world leader in toy production. Woonsocket is primarily a textile center.²

Non-manufacturing employment includes research in health, medicine, and the ocean environment. Fishing ports are at Galilee and Newport. Newport is noted as a summer resort and yachting center. The city of Newport also includes pockets of poverty especially due to the seasonal nature of employment. Rural areas of the state support small-scale farming, including grapes for local wineries, turf grass, and nursery stock. Statewide, tourism generates over a billion dollars a year in revenue.³ In 2011 and 2012, Rhode Island experienced high rates of unemployment ranging from 11.4% in January 2011 to 10.7% in January 2012. In 2013, the state's unemployment rate averaged 9.5%, and by March 2014, unemployment rates had dropped to 8.7%.⁴

The program employs an innovative and collaborative approach with community partners, and benefits from close working relationships with the Rhode Island Judiciary, the Rhode Island court system and the Rhode Island State Bar. RILS provides services through a network of substantive law groups. These include a consumer, education, family, and a housing law practice group that focuses on issues related to mortgage foreclosure.

The program's total revenue for 2013 was approximately \$4,097,333. RILS' total LSC grant for that period was \$984,598 representing 24% of RILS' total funding. Non-LSC revenue totaled \$3,112,735 representing 76% of RILS' total revenue.⁵ Since 2010, the program's LSC revenue has decreased by more than \$275,000.

RILS is a five time Alfred P. Sloan award winner for business excellence in work place flexibility. The program has benefitted from the retention and recruitment of a group of highly

¹ U.S. Census Bureau, Quick Facts, Rhode Island

² Pawtucket is famous as the site of the first successful American cotton mill, built by Samuel Slater.

³ Excerpted from: Rhode Island: Map, History, Population, Facts, Capitol, Flag, Tree, Geography,

Symbols <http://www.infoplease.com/us-states/rhode-island.html#ixzz2zY4LtEKV>

⁴ Rhode Island Department of Labor & Training, Labor Market Information

⁵ RILS Actual Support & Revenue Report Calendar Year 2013 submitted to LSC.

trained and experienced attorneys. At the time of the LSC visit, RILS was staffed by a highly respected corps of 24 attorneys.

REPORT SUMMARY

RILS is led by a capable, experienced management team consisting of the executive director, deputy director, director of litigation, director of training and managing attorneys. Board members, community agencies and staff indicated their respect and appreciation for the program's leadership. RILS has established strong ties with the judiciary, the private bar, community organizations, other agencies, and the law school. As a result, the program is a highly respected law firm in the state.

The program is governed by a strong and effective board of directors who meet regularly and appear to be proficient in the execution of their oversight responsibilities. Board leadership appeared open to new ways to move the board and the program forward. RILS has been successful in recruiting and retaining active and engaged client board representatives.

RILS' managers have a high degree of confidence in the advocates they supervise. The program has been successful in assembling a strong corps of advocates who are well trained, experienced, and committed to the program's overall mission. Because staff turnover is low, RILS has been fortunate in retaining a number of advocates with significant litigation experience. These advocates share their expertise with newer staff which fosters mentoring and collegiality. Advocates demonstrate a genuine commitment to the program's mission and work. Overall RILS staff members appear to enjoy the work they do and are committed to the clients they serve.

Despite limited resources, the program continuously seeks to discover ways to provide quality services to its client constituency. With the installation and availability of new technology, RILS appears receptive to new ideas and is eager to expand its capacity to serve the client population in Rhode Island.

The program collaborates with other community organizations to ensure the provision of legal services throughout the state. Moreover, RILS has embraced a broad approach to legal services delivery with the implementation of its Holistic Legal Assistance Network (HLAN). Its collaboration with the Capital Good Fund on this project has had favorable results for clients.

RILS is significantly engaged in the establishment of the state's Access to Justice Commission. With its commitment and statewide influence, the program is committed to the advancement of collaborations with local, regional, and other organizations that provide services to significant parts of the state.

There are other areas where RILS has excelled that are not enumerated here. As the program grapples with its challenges, and positions itself to move forward into a broader arena of service delivery, it should continue its quest to ensure that quality legal services are delivered to clients throughout the state. Some RILS systems and protocols will require review and further development. LSC believes that RILS would benefit greatly from:

- Conducting a comprehensive assessment of the civil legal needs of clients in the state of Rhode Island separately or as a part of the Rhode Island Access to Justice agenda;
- Engaging the program, under the leadership of the board of directors, in a strategic planning process;
- Conducting a thorough evaluation of the program's intake processes, including input from staff, client and community stakeholders;
- Implementing a structured system of guidance and accountability for increased standardized supervision over the program's legal work regardless of whether the employee is relatively new or experienced;
- Being proactive and intentional with regard to the development of the program's advocacy, including approaching client legal problems that can be addressed through systemic solutions broadly;
- Expanding its private attorney involvement program by exploring other models for engaging private attorneys in its work;
- Developing and implementing ways in which RILS can provide more assistance to self-represented litigants;
- Implementing measures to protect the program's investment in technology, limiting its risks for computer failure and ensuring the program's return on investment; and
- Expanding its resources and revenue capacity.

FINDINGS AND RECOMMENDATIONS

PERFORMANCE AREA ONE. *Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs.*

Criterion 1. Periodic comprehensive assessment and ongoing consideration of legal needs.

Finding 1: *There has not been a comprehensive statewide legal needs assessment for the entire low income population of Rhode Island in recent memory.*

RILS conducted a comprehensive civil legal needs assessment to establish the program's core priorities at the inception of the program's operations. The program also conducted an assessment of the legal needs of seniors in Rhode Island in 2010. RILS has gathered general information intermittently about client need in the service area through an ongoing survey process. These surveys, called "*From Your Point of View*," were made accessible to the public electronically at the program's website or distributed directly to clients by the program. The results of these surveys were helpful to the program in the annual review of priorities and in the

program's ongoing adjustment of priorities. The program's current priorities are housing, consumer law, family law, public benefits and educational law, environmental justice and law-related income tax matters.

The team learned that the Rhode Island Supreme Court recently received a grant from the American Bar Association to create an Access to Justice Commission. The program is engaged with other stakeholders in the establishment of this Commission. As has been the case with other states, RILS anticipates that a proposal to conduct a comprehensive civil legal needs assessment under the auspices of the new Rhode Island Access to Justice Commission will be presented and considered as an inaugural activity for the Commission.

Recommendation I.1.1.1*⁶:

RILS should conduct a comprehensive statewide assessment of the legal needs of the low-income population, including those who may be isolated by age, geography, disability, language, or race. This assessment should not be limited solely to written surveys. In the alternative RILS should collaborate with and support any effort by the Rhode Island Access to Justice Commission to conduct a statewide legal needs study.

Criterion 2. and 3. Setting goals and objectives, developing strategies and allocating resources and implementation.

Finding 2: The program has not engaged in organizational strategic planning.

RILS has not conducted a strategic planning process that involves the board, staff and critical community stakeholders. The director indicated that the program does regular internal planning and develops an internal strategic work plan that guides its operations. While the work plan is helpful to the program, it is insufficient in providing goal setting and long range planning based on input from the RILS board, staff, the bar, clients and other community stakeholders.

Recommendation I.2.2.1*

RILS should undertake a strategic planning process involving the board, staff, clients and other stakeholders within the community. RILS should also include community partners, the judiciary, the bar, the courts and other relevant stakeholders in this process.

Criterion 4. Evaluation and adjustment.

⁶ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding, and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, third recommendation under finding 14. There are two levels of recommendations in this report. In your next grant renewal application or competitive grant application, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative. Recommendations that are indicated with an asterisk are Tier One recommendation and are intended to have a direct and major impact on program quality and/or program performance.

Finding 3: While RILS identifies emerging issues through its close affiliations with the community; the program has an informal system for evaluating the effectiveness of its work.

As noted above, RILS attempts to identify and address legal issues as they emerge. The program seeks funding to address these issues when available. Since Rhode Island is a small state, RILS has come to rely upon information gathered through its interaction with the community about emerging issues. The team learned during interviews that staff members are involved with community organizations, and in some units, intake is reviewed to track trends.

The team learned about the program's work to address issues identified in the areas of mortgage foreclosure, the Affordable Care Act/Medicaid, non-custodial parent issues, school and educational issues, and TANF cut offs. To its credit, RILS has embraced a holistic approach to service delivery. The RILS Holistic Legal Aid Network (HLAN) was developed in response to the need for a multidisciplinary approach to client legal issues and includes a social worker to provide clients with much needed direction and support.

RILS informally evaluates its services internally, taking several components into consideration. These comprise outputs; including case closing codes, the number of open and closed cases during a particular period of time and the time records of an advocate. They also include outcomes and the benefit derived by the client as well as the number of people who benefit from the work. The program's case management system, ***WNYLC Time***, has the capacity to collect data and run reports on the financial and main benefit outcomes of every case. RILS had not incorporated a comparison of the benefits derived from various delivery methods into its evaluation and RILS does not compile the results of its internal evaluations in writing.

Recommendation I.4.3.1:

RILS should re-visit how it internally assesses and evaluates the effectiveness of its service delivery strategies. To the degree possible, the program should develop a clear, standardized methodology that considers the analysis of case benefit data collected in its case management system.

Recommendation I.4.3.2:

RILS should explore its capacity to provide an analysis of specific main benefits achieved for clients as a tool for the program's public relations, marketing and resource development efforts.

PERFORMANCE AREA TWO. *Effectiveness in engaging and serving the low-income population throughout the service area.*

Criterion 1. Dignity and sensitivity.

Finding 4: RILS operates a coordinated intake system.

Applicants may access intake services at RILS by phone or by walking into one of the program's

offices. RILS uses *WNYLC Time* as its case management system (CMS) and has developed an internal client call back computer module called www.rilsintake.org to record information on requests for services. This call back module is not integrated with the program's case management system. In addition the team noted that several RILS practice groups receive a significant number of cases by way of court appointment.

All calls to RILS are answered by an automated attendant. Applicants contacting the program by phone can choose an English or Spanish language option. They may also choose a call queue based on the type of case about which they are calling. A limited number of calls are usually handled by the Providence receptionist who screens the applicant for case type before entering the information into the program's web-based call back module. The applicants are told that they will receive a call from the advocacy staff responsible for the caller's problem type. Generally, return intake calls are made by attorneys and legal assistants from individual practice groups within twenty-four hours. The team learned that if staff members are unable to reach applicants after three tries, the application for services may be terminated.

Intake is processed somewhat differently in the Newport office. Applications for service can be accepted and processed immediately by a paralegal that is responsible for handling initial walk-in intake traffic. Based on her availability, she will also process telephone intake requests. In the alternative, telephone applicants may call the Providence office and have their information placed in the web based call back system for processing by the appropriate RILS practice group.

Based on the applicant's legal problem, the rilsintake.org computer module automatically directs the call back information to the practice group assigned to that area of law. The legal assistant and advocacy staff provide limited services, counsel and advice, or a referral depending on the nature of the request for services. Once the call is completed a disposition screen provides the advocate with options to document the resolution of the call.

Applicants with pending court cases or hearing dates are given priority. Additionally, those requiring extended representation are accepted for appointment and case assignment. Divorce and custody applicants are mailed a questionnaire to complete and return to the program so that an appointment can be set.

Applicants who walk in provide basic information about their request for services to the receptionist who completes a call back sheet in RILSIntake.org. Clients with emergency issues are usually seen that day by an advocate from the appropriate unit related to their issue. Ineligible applicants are provided a referral based on case type to an appropriate agency or organization.

Along with other duties performed, legal assistants and paralegals from various units provide intake screening, advice and information for their individual units. They provide services to those who are on the call back list and to those who are referred to their RILS substantive unit for services. In cases where extended representation will be conducted, legal assistants prepare and provide case files to the appropriate advocates who set their own appointments to meet with eligible clients. In the pre-visit staff survey conducted by the LSC team, approximately 17% of the respondents felt that the current RILS intake system is inconvenient for applicants, and that

persons with limited English proficiency find it particularly challenging. Another 22% of the respondents to the survey felt that case acceptance decisions could be handled more promptly. While RILS' current intake system may have served the program's purposes internally for the past several years, more efficient deployment of its experienced staff coupled with its new telephone system and advances in technology should produce a more client and user-friendly intake system.

The team was unable to identify the program's capacity for tracking the origin of intake calls, statistics on the length of applicant wait times, statistics on the program's response time to calls received, nor the number or origin of calls dropped. RILS has recently installed a high end telephone system with the potential to provide such information, and the recent upgrade of its technology infrastructure places the program in an optimal position to receive maximum return on its investment.

Recommendation II.1.4.1*

RILS should establish an Intake Committee including staff representing all offices, units, and positions, as well as client stakeholders, to work with management in evaluating the current RILS intake system. This evaluation should take into consideration:

- a. The expanded use of RILS' new technology capacity;***
- b. An assessment of client access challenges throughout the service area, including but not limited to language and geographic access;***
- c. A review of other program's intake models, particularly those similar to Rhode Island in funding, size, population, etc.;***
- d. Exploration of the possibility of installing a "single point of entry" intake number that will channel calls based on the caller's exchange number to the correct office, and then based on a set of instructions to the correct person based on language needs, problem type or other characteristic.***

Recommendation II.1.4.2*

RILS should assess whether its current case management system has the capacity to support the type of data collection and reporting the program will need in the future, and should examine upgrades or other software that might better suit the needs of the program.

Criterion 2. and 3. Engagement with and Access and Utilization by the low-income population

Finding 5: The program is working to further develop language access as a priority.

RILS has developed and implemented an extensive Limited English Proficiency (LEP) Policy and staff appeared knowledgeable of the provisions of the policy. The LSC team noted that program brochures are available in English, Spanish, Portuguese, and some Southeast Asian languages. The team identified several persons who were bilingual in Spanish, Portuguese and French, who, upon request, provide interpreter services for RILS clients. Recently RILS hired a

Spanish-speaking interpreter to assist staff at intake and with interpreter services in court. At the time of the visit, this employee was working for only three hours a day. This measure was taken to offset the loss of several Spanish-speaking staff members who previously assisted with intake.

While RILS has upgraded its telephone and technology systems, the program has not yet developed a Spanish queue for the phone system and transferring calls to the interpreter is not automatic or seamless. Additionally, a couple of staff members appeared confused about what to do if persons speaking languages other than those spoken by bilingual staff contacted the office for services. They did not appear knowledgeable of any telephonic language assistance services that may be available. The team also noted that the RILS website does not include information in languages other than English.

Recommendation II.2.5.1:

As soon as is financially feasible and to the degree that resources permit, RILS should consider increasing the hours of the Spanish interpreter.

Recommendation II.2.5.2:

RILS should explore the use of Language Line or a similar service to assist clients and applicants who speak languages other than English, Spanish or Portuguese in order to eliminate all language barriers.

Recommendation II.2.5.3:

As it explores expansion of the use of its technology and software, RILS should consider the provision of information in other languages on its website.

PERFORMANCE AREA THREE. *Effectiveness of legal representation and other program activities intended to benefit the low income population in the service area.*

Criterion 1. Legal representation

Finding 6: RILS is staffed by a group of highly experienced and highly skilled advocates.

The program has been successful in assembling a group of well trained, highly skilled experienced and younger lawyers who are compassionate and dedicated legal advocates. At the time of the LSC visit, 10 of the program's 25 lawyers had more than 20 years of experience; 7 had between 10 and 19 years of experience; and 8 had 1 to 8 years of legal experience. New attorneys are mentored and receive close monitoring from their immediate supervisor during the initial six months of their tenure with the program. Advocates reported that they receive good support for their work and are comfortable seeking assistance from each other as well as from supervisors throughout the program.

In the Providence office, the LSC team found that advocates are organized and function based on practice groups. These practice groups include Family; Housing and Foreclosure; Health, Education & Welfare; Holistic Legal Assistance; and Consumer Law. Due to the small number

of staff in the Newport office, responsibilities for providing legal services in these practice areas are allocated to specific staff members who work with the Providence office practice groups.

Several units have established shared drives used to access pleadings and briefs related to work done by their unit. In the Providence office, advocates in practice groups are physically located in close proximity to each other. This affords each practice group easy access to its staff, the opportunity for open discussion and problem-solving and an atmosphere for free flowing discussion regarding case strategies. Newport office advocates stay in touch with their practice groups through regular visits, phone calls and emails. Additionally, all advocates noted that they were a part of email lists related to the area of law to which they are assigned.

With the exception of contract work, most practice groups engage in regular case acceptance meetings. At these meetings, advocates discuss and strategize their work on new matters within their practice area. The LSC team found that although advocates are aware and remain informed of key issues related to their respective practice areas, there does not appear to be an opportunity for regular consideration of the broader issues affecting the client community. Practice groups and projects within those groups hold regular meetings, however, at the time of the LSC visit, there appeared to be no methodology designed to bring practice groups together regularly to strategically address key issues affecting the client community. Moreover, the team found that several advocates had a single focus and were limited in their ability to spot issues outside of their designated practice areas. Staff of HLAN, the holistic advocacy project, is endeavoring to address this compartmentalization, but the effort is limited to those clients who meet HLAN criteria.

Recommendation III.1.6.1:

The program should establish and populate a program-wide pleadings bank accessible by all program staff.

Recommendation III.1.6.2:

RILS should endeavor to hold program wide advocate meetings and provide training opportunities so that its advocates enhance their issue spotting skills outside of their practice groups and their ability to view key issues affecting the client community strategically.

Finding 7: The program's advocates are well known and well respected by the community.

The advocacy staff conducts its case work with a high degree of professionalism and appears to be knowledgeable in the areas of law where they are assigned. The LSC team interviewed several judges and attorneys in the service area who noted their respect for the level of case preparation and representation done by RILS attorneys. They stated that RILS attorneys were professional, well prepared and well respected, and they each echoed a sentiment that additional funds be provided to hire more advocates to meet the demand in Rhode Island. The program's attorneys were complimented on the level of caring they demonstrated for the work they perform on behalf of clients.

Finding 8: RILS demonstrates a consistent effort in providing quality legal assistance to its client population.

RILS is fortunate to have a director of litigation and practice group managing attorneys with significant legal experience. The director of litigation has more than 38 years of legal experience, and the average years of legal experience for the other legal managers totals 27 with the least experienced manager with just over 15 years of experience. The wealth of support and legal information available from these persons is unquestionable.

The program's practice reflects a consistent effort to provide quality legal services in the program's priority areas. The program continues to promote its community lawyering project under the direction of one of its more senior attorneys. RILS is well known in the state and across the country for its work on community lawyering and environmental justice. Another attorney leads the program's work in the area of education advocacy, and the program appears to have developed a meaningful practice in this area.

RILS has a proven record of successful impact advocacy including public benefits, housing and education issues. The program has been successful in bringing actions through the State's administrative process to change school policy on the destruction of student records. The program focuses on educational and other issues that have a direct bearing on the school to prison pipeline. RILS' work on foreclosure issues; in the area of domestic violence advocacy; its responsible parent project; and its public benefits advocacy indicate that the program is committed to the delivery of quality legal services to its client community.

With a grant from the Kresge Foundation in 2013, RILS expanded its capacity to assist clients in addressing a wider range of issues that impact their living situations. The program's new project, the Holistic Legal Assistance Network (HLAN) pairs a social worker with the program's advocates to comprehensively assess the extent of a client's problems. Following an evaluation by advocacy staff, clients may be referred to HLAN to be considered for services. In partnership with the Capital Good Fund, HLAN seeks to provide services that lift clients out of poverty and provide them with life skills and resources so they can improve their life situations. Capital Good Fund provides support services such as financial counseling, tax preparation, rebuilding credit scores, and providing small loans of up to \$2,000 to eligible clients.

In October 2012, with funding from the Attorney General, RILS launched its specialized practice in mortgage foreclosure prevention. The unit which is a part of the housing practice group focuses on legal issues related to homeowners threatened by foreclosure as well as tenants whose landlords face eviction, and whose housing is also threatened.

The program's 2013 closed cases totaled 4,233, an increase from case closures of 3,718 in 2012. The majority of these cases were within the program's priorities. Of the total cases closed for 2013, 22% were housing cases; 19% family cases; 17% income maintenance cases; 11% consumer cases and 11% were juvenile cases. Another 9% of the cases were in the area of health.

Finding 9: The program's advocates would benefit from a more proactive and strategic approach to legal work management and supervision.

The LSC team found that the program may not be making uniform use of the valuable supervisory resources available to the advocacy staff. For example, the litigation director did not appear to have a strategic litigation agenda planned for the program. While he maintains a caseload, he has communicated that he is available to assist attorneys. Moreover, several advocates reported to the team that supervision of legal work was often self-directed and reactive rather than the result of deliberate and thoughtful oversight. Most experienced advocates reported not having full, open case reviews, although closed cases are regularly reviewed. The general supervisory approach appears to be informal with the advocate seeking out the supervisor rather than the supervisor setting up regular, formal monitoring of the advocate's work.

Advocates reported that they do receive good support for their work and are comfortable consulting with anyone in the program, including their supervisors. Written legal work is not generally reviewed by supervisors. There was inconsistent use of the tickler system in each practice group. The LSC team noted that those who were committed to using the tickler system were often using a double or triple system in order to ensure that the data was available in several places. While some memoranda or informal compilations of processes may be in place, it appears that the program does not have a litigation manual to provide guidance to its staff on matters related to case management and litigation.

The LSC team noted that caseloads varied throughout the program. This was attributed to the fact that many of the advocates are engaged in representing clients in cases assigned by the court because of grant contract requirements. Advocates have little to no control over these assignments.

Because its approach to legal work management appears to be reactive rather than proactive, RILS may be missing an opportunity to work more strategically to address the myriad of issues facing clients in Rhode Island.

Recommendation III.1.9.1*

The litigation director should assume a more proactive role in promoting the program's litigation agenda.

Recommendation III.1.9.2

The program should explore its current approach to advocacy so as to identify and expand opportunities for systemic advocacy that has a broader impact on the client population.

Recommendation III.1.9.3*

RILS should implement a standard protocol for legal work management oversight and ensure that all legal work managers are held accountable for oversight of the work of the program's advocates regardless of the advocate's years of experience.

Recommendation III.1.9.4

To the degree possible, the program should explore case assignment methods to provide a more balanced caseload among advocates,

Criterion 2. Private attorney involvement.

Finding 10: RILS collaborates with the Rhode Island Bar Association (RIBA) to integrate private attorneys into its work.

The program fulfills its private attorney involvement requirement by partnering with RIBA to provide attorneys with opportunities to participate in pro bono work in Rhode Island. RILS has a written PAI plan that describes the activities to be undertaken to include private attorneys in the work of the program. The RILS PAI plan also references RILS' involvement in the Pro Bono Collaborative, an effort directed by the Feinstein Center for Pro Bono and Experiential Education at Roger Williams University School of Law that connects law firms, law students, and attorneys to community organizations that need pro bono legal services for their organization or their clients. A RILS staff attorney serves on the advisory board of the collaborative. It was not clear to the team whether RILS has referred issues or projects to the collaborative.

RILS sub-grants slightly less than \$150,000 in IOLTA funds to the Rhode Island Bar Association Volunteer Lawyers Program (VLP) which serves as the statewide pro bono program. Cases handled through the VLP include consumer, housing and family law. RIBA also operates a lawyer referral panel and an elder law panel. The VLP has primary responsibility for the recruitment of volunteer attorneys and placement of cases, and for follow-up on those cases that it places. The VLP also provides training to volunteers in collaboration with RILS, and recognition of volunteers. The LSC team noted that the sub-grant agreement between RILS and RIBA had not been revised in several years.

The decision to refer a case to the VLP is based upon the type of legal problem, or the existence of a conflict, and may be made at intake or after review by a RILS attorney. Individuals who are referred are given the VLP phone number. RILS does not always conduct an eligibility screening or otherwise "work-up" the case prior to making the referral. The VLP does not use a case management system that is compatible with that used by RILS, and as a result CSR data must be produced and transmitted manually. There is no system for the direct transfer of calls between the programs. The VLP also accepts applications directly from the community, and will report LSC client-eligible cases to RILS.

As described to the team, VLP referral and follow-up procedures appear to be reasonably effective. Volunteers receive support in the form of malpractice coverage, research materials, mentoring, and sample pleadings. The VLP has a litigation fund to assist with court costs. Volunteers receive recognition individually, in bar publications, and at law day and other annual events. The LSC team noted that other than the RILS executive director, neither VLP nor RILS staff involved in pro bono operations has attended the Equal Justice Conference in recent years.

As discussed above, the Rhode Island Supreme Court is in the process of creating an Access to Justice Commission, with the assistance of a grant and consultation services from the American Bar Association. RILS is involved in that effort, which is expected to enhance the provision of pro bono legal assistance to low income persons in the state,

Recommendation III.2.10.1*

RILS is urged to expand its private attorney involvement program by exploring other models for involving private attorneys in its work, including the use of private attorneys in clinics, in the provision of pro se assistance and in the provision of advice to clients not receiving extended representation.

Recommendation III.2.10.2

RILS is urged to take the opportunity presented by the creation of an Access to Justice Commission to work with that Commission to develop new models for involving the private bar and law students in the provision of legal assistance to low income persons in the state.

Recommendation III.2.10.3

RILS is encouraged to identify systemic issues that might be addressed through the Pro Bono Collaborative.

Recommendation III.2.10.4

As funds become available, staff involved in PAI activities should be urged to attend the Equal Justice Conference and other related training opportunities.

Recommendation III.2.10.5

RILS should review its sub-grant agreement with the RIBA to ensure that it is up to date, accurate and includes additional opportunities to involve the private bar.

Criterion 3: Other program services to eligible client population

Finding 11: RILS is highly engaged with the low-income community.

Interviews confirmed that RILS staff believe that public awareness of client legal rights and of the availability of its services is critical. Staff conduct regular community education programs on such topics as tax, housing, family law, benefits, employment, and education. They are also active in organizations concerned with the client community -- making presentations, attending meetings, and serving on boards.

The program's website and the statewide website, www.helprilaw.org, include some educational materials and information about services but at the time of the LSC visit they were somewhat limited. The website also has a link to *FaceBook*; however at the time of the LSC visit, that link was not yet active. The program's website does not include any materials in languages other than English, although the statewide website uses Google Translate for translation.

At the time of the LSC visit, RILS was engaged in providing pro se assistance to low income litigants through its Low Income Tax Credit clinics, and other pro se assistance related to evictions, landlord-tenant issues and mortgage foreclosure. The program has expressed an interest in expanding its service delivery through the use of clinics and other pro se services.

Recommendation III.3.10.1

As the RILS website is updated and further developed, the program should include materials and information in languages other than English.

Recommendation III.3.10.2*

RILS should develop pro se clinics for low income litigants throughout the service area. These could be conducted as a joint project in collaboration with the courts, VLP and/or the law school.

PERFORMANCE AREA FOUR. *Effectiveness of governance, leadership and administration.*

Criterion 1. Board governance.

Finding 12: RILS' board of directors is appropriately engaged, and provides effective oversight of the affairs of the program.

RILS is governed by a 24-member board of directors which reflects the diversity of the state's population. The LSC team noted that board members and particularly board officers were knowledgeable and conversant with regard to the program's operations and its challenges. The board usually meets monthly, and board records reflect that attendance is consistent. Board minutes were not sufficiently detailed to reflect a true picture of the extent of the work and the level of discussion in which the board appears to be engaged. The minutes often reflected the board going into executive session, and the details of critical reports and presentations from members of staff including management and litigation staff are not sufficiently described to demonstrate the level of oversight the board provides. The team confirmed that these reports and presentations were made at board meetings during interviews with board members and by reviewing the board meeting materials.

The work of the board is enhanced by a network of committees that function to provide governance support. These include the executive committee, the audit/finance committee, the personnel grievance committee, the client grievance committee, the priorities committee, the funding committee and the diversity committee. Board members actively participate on these committees and work in partnership with RILS staff to accomplish their responsibilities.

Interviews reflected that client directors are actively engaged as a part of the board. They exhibit a strong commitment to the program's mission and a keen understanding of the program's management and operations. Their participation and opinions are truly valued by the board and the program.

New board members are provided some orientation along with a comprehensive manual that includes information about the board, program operations, fiscal management and membership requirements. RILS has not conducted board member training recently.

LSC team interviews reflected that the board and management of the program appear to work in tandem to ensure the solidarity of the firm. The board demonstrates a great deal of confidence in the program's management team. Both the executive director and the deputy director were highly commended by board members for their management acumen and leadership of the program. Board members indicated that there is a healthy respect for the board and for the management team, and that while the board supports its management team, it does not "rubber stamp" its actions or proposals, but exercises independent judgment.

Some staff interviews indicated a concern that some members of the board may not be fully cognizant of the level of advocacy engaged in by the staff. In some respects these comments echoed a sentiment that the board may not be as familiar with the day to day advocacy challenges faced by staff.

The board has a resource development plan which expired in 2013 and at the time of the LSC visit was tasked for revision. The executive director is evaluated by the board annually with the last evaluation occurring in 2013. This evaluation was based entirely on input from members of the board of directors.

Prior to the onsite visit, the LSC team reviewed the program's bylaws. The board of directors has not revised nor conducted a review of its bylaws since 2001.

Recommendation IV.1.12.1

RILS should evaluate how it is recording the minutes of full board meetings and committee meetings to ensure that the program preserves a record that protects it from risk and provides necessary information to support and document its activities.

Recommendation IV.1.12.2*

The RILS board should include on its agenda an opportunity for its staff to provide advocacy updates and make special presentations to keep the board informed and connected to the staff.

Recommendation IV.1.12.3*

RILS should organize and sponsor periodic training for its board members.

Recommendation IV.1.12.4*

As a part of and based on the provisions of its strategic planning initiative, the board should work with the executive director to develop and approve a new resource development plan to address revenue losses, and to promote and find new sources of funding to expand services consistent with its mission.

Recommendation IV.1.12.5

In its future evaluations of the executive director, the board of directors should

consider input from other constituents, including RILS staff members and community stakeholders. Examples of executive director evaluation processes used by other program boards can be found at LSC's Legal Resource Initiative at www.lri.lsc.gov.

Recommendation IV.1.12.6*

The RILS board should conduct a review the program's bylaws to ensure that they comport with current laws, and with the current practices of the organization.

Criterion 2. Leadership.

Finding 13: The program's leadership team has significant experience and leadership ability.

RILS is led by an executive director with significant legal experience and leadership ability. He has more than 36 years of legal experience with the program, and has spent the last 24 years as its director. He is supported by the program's deputy director, a lawyer with more than 35 years of legal experience and 20 years of experience as the program's deputy director. She superintends the general and programmatic administration of the program. RILS also employs a litigation director, who has more than 38 years of legal experience and has been with the program for 25 years. He also serves as managing attorney of the Newport office. The program also employs a director of training, a lawyer with over 35 years of legal experience who has been employed by the program for 25 years, and an executive assistant. Together with two managing attorneys located in the Providence office, these persons compose the program's executive management group. Interviews with community organizations, the bar, the judiciary and the staff indicated that the program's leadership team is respected and their experience valued.

Many staff members expressed that they are encouraged to take on leadership roles for various committees and projects. The team found that several staff members are engaged in collaborating with other community agencies and organizations. Additionally, during staff interviews, the visit team learned that some staff members are personally involved in leadership roles in various community organizations, and are actively engaged providing leadership in local bar and state bar activities.

Finding 14: RILS has not developed a written formal leadership succession plan

Generally, staff appeared to have been provided opportunities to develop as leaders by volunteering for tasks and assignments; and being encouraged to share their creativity. While the team was assured that the program's management group and the board understands how leadership succession would flow in the event that the executive director were to resign or unavailable to exercise his management responsibilities, RILS has no formal leadership succession plan. The program did provide the visit team with a statement that explains how program leadership would be transitioned in the event of an unplanned absence by the executive director. However, the statement did not address other considerations, nor did it espouse a plan for other program management positions.

Recommendation IV.2.14.1*

RILS should re-assess their existing leadership succession statement and expand it to include a leadership succession plan for all categories of management throughout the program. Examples of leadership succession plans developed by other legal services programs can be found at www.lri.lsc.gov.

Criterion 3. Overall management and administration,

Finding 15: RILS has devoted appropriate resources to ensure the stability and to strengthen the technology capacity of the program.

As a result of its previous resource development efforts, the program was successful in purchasing office space for its Providence office. With assistance of a special grant from the Chapman Foundation in 1995, RILS was able to purchase two floors of prime office space in a downtown office condominium. The grant from the Chapman Foundation almost covered the cost of both floors, and at the time of the LSC visit, the program was paying monthly condominium fees for the spaces. This has decreased the RILS' space obligations from \$141,000 to approximately \$8,000 per year.

In 2012, RILS experienced a crash of its computer network. Fortunately, because of the investment of the program in special technology insurance, the network was restored and data was uploaded to a new system. The entire cost of the restoration of the server and the data, \$18,000, was covered by a claim against the insurance policy.

RILS recently made substantial investments in updating its technology infrastructure. The program installed a new server, new desk top computers as well as a new telephone system. The new technology is stable and reliable; however, the team concluded that RILS staff would benefit from additional training on the use of upgraded software applications. In addition, a review of the technology system by the team suggests that the program does not change its network user passwords nor are there sufficient security measures applied to the use of software applications and the maintenance of the program's server room.⁷ Additionally, it was unclear which staff is allowed to have remote access and under what circumstances. RILS has a comprehensive Technology Use Policy which must be reviewed and signed by each employee.

At the time of the LSC visit, the program had contracts with two technology consultants in order to maintain its technology infrastructure. One consultant is responsible for the installation, maintenance and repair of all hardware systems, and the other for the program's software applications.

RILS maintains several informational websites available to the public: www.rils.org,

⁷ Team member and COLPM fellow Andrew Adkins conducted an assessment of the program's technology systems, See Rhode Island Legal Services Technology Assessment Report and Recommendations by Andrew Z. Adkins III, CIO Steptoe & Johnson PLLC, April 3, 2014

www.helpirlaw.org, www.lowincometaxclinic.org, and www.rifairhousing.org. The first website provides general information about the program and its services and provides links to the other websites.

Recommendation IV.3.15.1*

RILS should implement the recommendations outlined in the Technology Assessment Report completed during the program quality visit. These include:

- a. Regularly forcing the change of passwords for all users;***
- b. Encrypting data fields in the client intake system, www.rilsintake.org;***
- c. Backing up the hosted call intake system at least weekly or more often***
- d. Clarifying who has remote access to the RILS network***

Finding 16: The program's organizational chart is complex.

In preparation for the visit, the team reviewed the program's organizational chart as well as other documents related to the program's management and supervision. The team expressed some concern about the complex nature of the RILS' organizational chart. The chart does not depict a clear flow of authority and responsibility and includes practice groups and units that no longer exist. In addition, the chart includes information that may be misleading when considered without an explanation. For example, the chart includes a state support group and a group called a Legal Advice and Referral Center (LARC). While some staff carry out the functions of legal advice and referral, there is no LARC entity. Likewise, the team was unable to identify a state support "group."

The organizational chart is further complicated by multiple layers of supervision. For example, some staff indicated that they were supervised by more than one manager depending on the nature of their work. In the pre-visit survey conducted by the LSC team, 80% of the staff believed that supervisory lines of authority were clear enough, although several interviews indicated a lack of supervisory clarity. Additionally the survey results indicated that some managers were stretched thinly. The LSC team concluded that a clearer vision of organizational leadership and management would be helpful to the staff.

Recommendation IV.3.16.1

The RILS management team should explore how it can re-define and re-allocate its duties to facilitate clearer lines of authority, management and leadership. Once completed, each manager should be held accountable for all duties and responsibilities of his/her job description and evaluated regularly as to performance.

Recommendation IV.3.16.2*

The program should review and revise its current organizational chart to provide clear lines of authority by position. A separate chart should be prepared that depicts the flow of authority based on current RILS projects.

Criterion 4. Financial administration.⁸

Finding 17: RILS employs an experienced finance officer to manage its fiscal operations.

The financial affairs of the program are superintended by the RILS finance officer who has been with the program for a little over two years. She has a master's in accounting and is preparing to sit for the examination to become a certified public accountant. The RILS management team and board members spoke very highly of her, and expressed their appreciation for her expertise in managing the fiscal concerns of the program.

RILS has a budgeting process that originates with the finance officer and includes the input and approval of the executive director, the finance committee and then the full board. The finance officer prepares regular finance and budget reports for the board, and attends board and committee meetings to answer any questions that might arise. The finance officer is also responsible for the benefits portion of the program's human resources management. The program has an accounting manual which was last updated in 2013 to comport with LSC's Accounting Guide.

Criterion 5: Human resources administration.

Finding 18: RILS management staff hold responsibility for human resources administration.

In response to budgetary constraints, RILS does not employ a Human Resources (HR) professional, but relies on the deputy director assisted by the finance officer and the administrative assistant for assistance with personnel responsibilities. Personnel recruitment and retention responsibilities rest with the deputy director and the executive director, and the responsibility for maintenance of confidential records is assigned to the administrative assistant. The finance officer superintends the program's benefits administration. During interviews, the team learned that regular employee evaluations are not conducted by program managers.

The program is unionized, and the bargaining unit is represented by the New England Health Care Employees Union, District 1199, S.E.I.U., AFL-CIO. At the time of the LSC visit, the program had just completed year long negotiations with its union. The union contract which expires in 2016, governs all aspects of employee relations with the program.

The program has been fortunate in retaining experienced, quality staff across all job categories, and has avoided high turnover rates in the face of dwindling resources and moderate salaries. RILS is a five-time winner of the prestigious Alfred P. Sloan Award for workplace flexibility. Salaries have been increased and RILS implemented a loan forgiveness program for attorneys in 1999. However, within its advocacy ranks, the program has not been successful in retaining bilingual advocates and managers from minority communities. The program noted that it

⁸ This program quality visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the introduction. OPP findings and recommendations under this criterion are limited to staffing, organization and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

continues to seek ways in which it can build and retain a diverse advocacy staff reflective of the community it serves.

Recommendation IV.5.18.1:*

RILS should explore closer relationships with limited English speaking communities and minority bar associations as it seeks to recruit advocates in the future. Recruitment and retention efforts should include outreach to community organizations and law schools to ensure that job announcements and recruitment notices are shared in these communities.

Criterion 6: Internal communication.

Finding 19: RILS has systems for ensuring internal communication; however they may not be consistently used.

RILS has two offices and is situated geographically to facilitate regular program-wide meetings and gatherings. The program usually has monthly program-wide staff meetings where information is shared between units and among the staff. In the period immediately preceding the LSC visit, these meetings had not been held regularly. While RILS does not publish a newsletter, the program does have other ways for ensuring regular communication among all staff. The deputy director issues a missive called “*Just So You Know*” containing tidbits of information about current events and developments in the program and news about the staff. Staff reflected on their appreciation for this electronic communication and expressed a desire to receive it more often.

While most staff noted that they have opportunities to provide input, during interviews some staff expressed concern about the lack of advance information and staff input with regard to decisions impacting the program’s service delivery.

Recommendation IV.6.19.1

RILS should re-visit its schedule for program-wide staff meetings and enhance those meetings with opportunities for staff training and staff input. Where appropriate, RILS should consider more ways to obtain input from staff in decision-making on matters related to service delivery issues.

Recommendation IV.6.19.2

RILS should explore the creation of a staff committee to help the deputy director develop an internal newsletter building on the “Just So You Know” model that can be distributed electronically to board and staff on a regular basis.

Criterion 7. General resource development and maintenance.

Finding 20: RILS does not employ full time resource development staff.

At the time of the LSC visit, the program's executive director had full responsibility for the program's resource development agenda. He is assisted by the deputy director and administrative assistant, both of whom provide support in identifying funding sources and submitting proposals. The program's finance officer has responsibility for the development of budgets and financial estimates for proposals submitted.

The program has been successful in seeking additional funding through state-wide filing fee add-on legislation. The team noted that RILS developed a 2011-13 resource development plan. Its immediate agenda is to update the plan with the board of directors and to spend more time working to cultivate additional relationships. RILS plans to expand its funding by identifying additional potential donors and expanding its capacity to receive grants from private foundations committed to funding legal services organizations.

Criterion 8. Coherent and comprehensive delivery structure.

(This criterion is covered throughout this report.)

Criterion 9. Participation in integrated legal services delivery system.

Finding 21: RILS is a critical leader in the Rhode Island legal services delivery system.

RILS has played a pivotal role in helping to establish a coalition of strong state justice leaders. The Rhode Island legal services delivery system, including the judiciary, state bar association, the law school, the courts, lawyers, and community groups, all work together to eliminate access barriers for clients seeking services. Because it is the only full service civil legal assistance law firm in the state, RILS has become a leader in building an integrated legal services delivery system. RILS employees are members of the RIBA's Committee on Public Service Involvement that oversees the VLP, the Rhode Island Elder Legal Services Program and the Rhode Island Lawyer Referral Program. RILS has a partnership with the Roger Williams University School of Law that allows the use of student lawyers as a resource for the program. RILS also collaborates with the Rhode Island Public Defender's Office on a project to help stop the "schoolhouse to jailhouse" pipeline.

RILS has been active in planning for the establishment of the Rhode Island Access to Justice Commission. An initial proposal for the ATJ to consider is a survey of the civil legal needs of the poor of Rhode Island. The program has pledged to support an increased awareness of unmet legal needs and is committed to building statewide financial resources to support the Rhode Island service delivery.